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8 **UNITED STATES DISTRICT COURT**

9 EASTERN DISTRICT OF CALIFORNIA
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11 BRIAN E. SAYLOR,

12 Petitioner,

13 v.

14 XAVIER BECCERRA,

15 Respondent.
16

Case No. 1:21-cv-01037-SAB-HC

ORDER TRANSFERRING CASE TO THE
CENTRAL DISTRICT OF CALIFORNIA

17 Petitioner is a state prisoner proceeding *pro se* with a petition for writ of habeas corpus
18 pursuant to 28 U.S.C. § 2254.

19 When a state prisoner files a habeas petition in a state that contains two or more federal
20 judicial districts, the petition may be filed in either the judicial district in which the petitioner is
21 presently confined or the judicial district in which he was convicted and sentenced. See 28
22 U.S.C. § 2241(d); Rumsfeld v. Padilla, 542 U.S. 426, 442 (2004) (quoting Carbo v. United
23 States, 364 U.S. 611, 618, 81 S. Ct. 338, 5 L. Ed. 2d 329 (1961)). Petitions challenging the
24 execution of a sentence are preferably heard in the district where the inmate is confined. See
25 Dunne v. Henman, 875 F.2d 244, 249 (9th Cir. 1989). Petitions challenging convictions or
26 sentences are preferably heard in the district of conviction. See Laue v. Nelson, 279 F. Supp.
27 265, 266 (N.D. Cal. 1968). Section 2241 further states that, rather than dismissing an improperly
28 filed action, a district court, “in the exercise of its discretion and in furtherance of justice[,] may

1 transfer” the habeas petition to another federal district for hearing and determination. Id.; see also
2 28 U.S.C. § 1404(a) (court may transfer any civil action “to any other district or division where it
3 might have been brought” for convenience of parties or “in the interest of justice”).

4 Here, Petitioner challenges a criminal judgment from the Riverside County Superior
5 Court. Therefore, venue is proper in the district of conviction, which is the Central District of
6 California.

7 Accordingly, IT IS HEREBY ORDERED that this action is TRANSFERRED to the
8 United States District Court for the Central District of California.

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10 IT IS SO ORDERED.

11 Dated: July 12, 2021


UNITED STATES MAGISTRATE JUDGE